

City of Allen Park, County of Wayne,  
State of Michigan

**ORDER No. 2014-055B**

**AN ORDER FINDING AN ELECTED OFFICIAL HAS VIOLATED THE COUNCIL ADOPTED ANTI-BULLYING POLICY, BASED UPON THE ADVISEMENT AND RECOMMENDATION OF THE CITY COUNCIL, AND THE IMPLEMENTATION OF CERTAIN ACTIONS TO REDUCE OR ELIMINATE OPPORTUNITIES FOR CONTINUED BULLYING.**

WHEREAS, under Local Government Fiscal Responsibility Act, Act 72, Public Acts of Michigan, 1990, as amended ("Act 72") and as superseded by the Local Financial Stability and Choice Act, Act 436, Public Acts of Michigan, 2012 ("Act 436"), as well as any successor Acts, and a Contract (the "Contract") dated October 25, 2012 between the State of Michigan and Joyce A. Parker, Joyce A. Parker has been appointed as the Emergency Manager (the "EM") of the City of Allen Park, County of Wayne, Michigan (the "City") and is thereby charged with the power and authority to take all actions necessary to develop and implement financial and operational plans, to regulate expenditures, investments, ensure compliance with federal, state and local laws, regulations, rules, local laws and make provisions for services essential to the public health, safety, and welfare of the City of Allen Park, including the power to exercise the authority and responsibilities of the Mayor, the Chief Administrative Officer of the City, and of the City Council, as the governing body of the City, concerning the adoption and enforcement of ordinances and resolutions affecting the financial condition of the City as provided in the Home Rule City Act, Act 279, Public Acts of Michigan, 1909, as amended ("Act 279"); and

WHEREAS, pursuant to Act 436 and specifically MCL 141.1552(1)(g) authorizing an emergency manager to make, approve, or disapprove any appropriation, contract or expenditure and MCL 141.1552(1)(dd) and (ee) which provides that an emergency manager has the power and authority to exercise, on behalf of the local government, all authority and responsibilities of the governing body including enforcement of ordinances and resolutions as provided under the Home Rule City Act, 1909 PA 279, and take any other action or exercise any power or authority of any officer, employee, board, and commission, recognizing that the power of the emergency manager shall be superior to and supersede the power of any of the aforementioned officers or entities;

WHEREAS, the Allen Park City Council has adopted an Anti-Bullying Policy to help improve the environment for City Council meetings, reduce the potential liability to the City, establish a more professional, business-like atmosphere within which to conduct City business, and a work environment for City employees that is free from bullying conduct;

WHEREAS, an elected official has demonstrated over the past two to three years increasingly offensive bullying behavior through communications targeting Allen Park Employees and some Councilpersons, including through use of Social Media, other electronic communications, and various City Council activities and the Allen Park City Council finds that this conduct violates the City Council Anti-Bullying Policy, affects the terms and conditions of an employee's employment with the City, and further recommends that actions be taken to reduce or eliminate the opportunities for the continuation of such bullying behavior;

WHEREAS, whenever there is a demonstration of conduct in violation of the Anti-Bullying Policy, the City Council or City Administrator shall be empowered to take such actions as may be required to reduce or eliminate the offensive conduct;

WHEREAS, under Act 436 the EM is authorized and directed to issue to the appropriate officials and employees of the local government the orders the EM considers necessary to accomplish the comprehensive duties, responsibilities required of the Emergency Manager, the purposes of Act 436, the Contract and the proper implementation of the emergency financial plan for the benefit of the City.

## **CITY COUNCIL ANTI-BULLYING POLICY**

The Allen Park City Council is committed to establishing a professional, business environment within which to conduct the City's business, which includes providing all employees a healthy and safe work environment. Bullying by elected officials and/ or other employees, in all its forms, shall not be tolerated. The City will ensure that procedures exist to allow complaints of bullying to be dealt with and resolved within the City without limiting any person's entitlement to pursue resolution of their complaint with the relevant statutory authority. The City of Allen Park is committed to the elimination of all forms of bullying.

This policy is contained in the Allen Park Employee Handbook and is specifically adopted by the Allen Park City Council as a part of the City Council's rules, describing and prohibiting certain conduct by elected officials. It applies during working hours, at work related or sponsored functions, while traveling on work related business, to communications sent and/or received at any time of the day or night, including electronic communications, communications provided to the media, and communications on any form of Social Media. There will be no recriminations for anyone who in good faith alleges bullying.

### **DEFINITIONS**

Bullying is unwelcome or unreasonable behavior that demeans, intimidates or humiliates people either as individuals or as a group. Bullying behavior is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual but can also be an aspect of group behavior (see "mobbing" below). Some examples of bullying behavior are:

#### **Verbal communication**

- Abusive and offensive language
- Insults
- Teasing
- Spreading rumor and innuendo
- Unreasonable criticism
- Trivializing of work and achievements

#### **Manipulating the work environment**

- Isolating people from normal work interaction
- Excessive demands
- Setting impossible deadlines

#### **Psychological manipulation**

- Unfairly blaming for mistakes
- Setting people up for failure
- Deliberate exclusion
- Excessive supervision
- Practical jokes
- Belittling or disregarding opinions or suggestions
- Criticizing in public

Context is important in understanding bullying, particularly verbal communication. There is a difference between friendly insults exchanged by long-time work colleagues and comments that are meant to be, or are taken as, demeaning. While care should be exercised, particularly if a person is reporting alleged bullying as a witness, it is better to be genuinely mistaken than to let actual bullying go unreported.

### **Mobbing**

Mobbing is a particular type of bullying behavior carried out by a group rather than by an individual. Mobbing is the bullying or social isolation of a person through collective unjustified accusations, humiliation, general harassment or emotional abuse. Although it is group behavior, specific incidents such as an insult or a practical joke may be carried out by an individual as part of mobbing behavior. Mobbing may include one or more kinds of the conduct specified in the definition above.

### **CONSEQUENCES OF BULLYING**

Bullying is unacceptable behavior because it breaches principles of equality and fairness, and it frequently represents an abuse of power and authority. It also has potential consequences for everyone involved.

#### **For those being bullied:**

People who have been bullied often suffer from a range of stress-related illness. They can lose confidence and withdraw from contact with people outside the workplace as well as at work. Their work performance can suffer, and they are at increased risk of workplace injury.

#### **For the employer:**

Besides potential legal liabilities, the employer can also suffer because bullying can lead to:

- Deterioration in the quality of work
- Increased absenteeism
- Lack of communication and teamwork
- Lack of confidence in the employer leading to lack of commitment to the job

#### **For others at the workplace:**

People who witness bullying behaviors can also have their attitudes and work performance affected. They can suffer from feelings of guilt that they did nothing to stop the bullying, and

they can become intimidated and perform less efficiently fearing that they may be the next to be bullied.

## **RESPONSIBILITIES**

### **Managers, Supervisors, Mayor, and Council Members**

- Ensure that all elected officials and employees are aware of the anti-bullying policy and procedures
- Ensure that any incident of bullying is dealt with **regardless** of whether a complaint of bullying has been received
- Provide leadership and role-modeling in appropriate professional behavior
- Respond promptly, sensitively and confidentially to all situations where bullying behavior is observed or alleged to have occurred
- Be familiar with and behave according to this policy
- If you are a witness to bullying, report incidents, as appropriate
- Where appropriate, speak to the alleged bully(ies) to object to the behavior

### **IF YOU THINK YOU HAVE BEEN BULLIED**

- Any employee who feels he or she has been victimized by bullying is encouraged to promptly report the matter to his or her supervisor, or to the Human Resources Director.
- Where appropriate, an investigation will be undertaken and disciplinary measures will be taken as necessary.

### **DISCIPLINE & ACTION TO STOP BULLYING**

Upon a determination by a majority of the City Council that a violation of this policy exists and a recommendation made based upon the results of any investigation, if one took place, that may have been conducted by a third party chosen by the City Administrator after conferring with Council discipline shall be taken to eliminate the bullying conduct, such as:

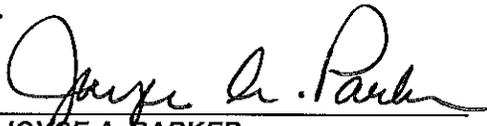
- Appropriate discipline for an elected official can include a range of actions designed to stop the bullying behavior including terminating an elected official's access to one or more employees electronically, restricting the offender's physical presence in City Hall, recommending a suspension of public activities and/or Committee participation by the offender, and other appropriate actions.
- For participants who exhibit conduct that appears to be part of a 'mobbing' action, or engage in the conduct defined above through Social Media, electronic communications, communications at City Council meetings or other regarding one or more Allen park employees the Mayor and or Council Members will take immediate appropriate action to restrict or disallow such conduct and communications.

A letter shall be sent to the offender informing he or she of the discipline or action that has been instituted.

**RESOLVED, NOW THEREFORE, IT IS HEREBY ORDERED BY THE EMERGENCY MANAGER OF THE CITY OF ALLEN PARK, PURSUANT TO PUBLIC ACT 436 of 2013, THE CONTRACT, AND ALL OTHER RELEVANT LEGAL MANDATES THAT:**

1. Pursuant to this Order, and based upon the advisement of the Allen Park City Council and other complaints, an Elected Official is in violation of the Council adopted Anti-Bullying Policy which is attached hereto.
2. Pursuant to this ORDER, all of the following actions shall be taken immediately to reduce or eliminate the opportunity to continue the bullying of Allen Park employees by the elected official so identified and all of such actions or any part thereof may be implemented to reduce or eliminate bullying conduct of others who subsequently may be found by the Council or Administration to be in violation of the Anti-Bullying Policy. The actions to be implemented below shall continue uninterrupted until the Governor declares the emergency terminated, unless, through a resolution of the City Council, the Council decides to extend the implementation time of these actions:
  - a.) The Elected Official shall be terminated from the electronic email system of the City; and
  - b.) The Elected Official shall not be allowed in any employee work areas at any time unless permission has been expressly given in writing by the City Administrator; and
  - c.) The Elected Official shall not be permitted in City Hall except for posted City Council meetings, including ten minutes before the commencement of the meeting and ten minutes following the end of the meeting; and
  - d.) The Elected Official is prohibited from talking to and talking about any employed person or employment position of the City of Allen Park. The Mayor and City Council are charged with strictly enforcing this element of the ORDER, including promptly ruling the Elected Official out of order at meetings whenever there is an attempt to do so; and
  - e.) Retaliation against any employee or other person by the Elected Official is strictly prohibited, including retaliation that affects any term or condition of an employee's employment; and
  - f.) The Mayor and City Council are further charged with ruling as out of order individuals perceived to be working in concert with the Elected Official, who demonstrate the prohibited bullying behavior in speaking about employees or employment positions or retaliating; and
  - g.) The City Council and/or the City Administrator may implement any additional actions to reduce or eliminate the bullying conduct of the Elected Official as they deem necessary or appropriate. The City Council and/or the City Administrator may implement any of the above stated actions and any additional actions deemed advisable to reduce or eliminate bullying conduct of other(s).
  - h.) All orders of the EM, contracts, resolutions of the Allen Park City Council, and parts of resolutions or orders in conflict with this Order are hereby repealed to the extent of such conflict.

IT IS SO ORDERED this 24<sup>th</sup> day of September, 2014.

  
JOYCE A. PARKER  
Emergency Manager  
City of Allen Park